IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

Bail Appl..No. 6622 of 2007()

(C.R.NO.75/2007 OF CHERTHALA EXCISE RANGE)

PETITIONER/ACCUSED NO.1 IN C.R.NO.75/2007:

UDAYAN, AGED 26 YEARS, S/O PODIAN,
PLAKEEZHIL VEEDU, WARD NO.7, PANDANADU
PANCHAYATH, PANDANADU VILLAGE, CHENGANNUR.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENT: COMPLAINANT IN C.R.NO.75/2007:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R.BASANT, J.

B.A.No.6622 of 2007

Dated this the 29th day of October 2007

O R D E R

Application for regular bail. The petitioner is the first accused. He faces allegations under the Kerala Abkari Act. The petitioner was allegedly found to be in possession of 468 litres of spirit on 13/8/2007. He was arrested and continues in custody from that date. Investigation is not complete. Final report has not been filed. The petitioner continues in custody from 13/8/2007. His co-accused has already been released on bail on 15/8/2007 by the learned Magistrate, it is reported.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner is now entitled to bail by default under the proviso to Section 167(2) Cr.P.C. I fail to understand why the petitioner remains in custody after the expiry of sixty days and did not claim bail by default from the learned Magistrate.

3. In the result, this petition is allowed. The petitioner can now be enlarged on bail on the following terms and conditions:

i) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007